

STATE OF ALASKA

DEPARTMENT OF LAW CRIMINAL DIVISION

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May 27, 2005

Thomas A. Matthews
Matthews & Zahare
431 W. 7th Ave, Ste. 207
Anchorage, Ak 99501

Re: *Charles Davis v. Zellmar Hyden, et al*, Case No. A02-214 cv

Dear Tom:

RECEIVED
MATTHEWS & ZAHARE

MAY 31 2005

File No. 103-2

Atty TAM

Approved by EPA

CC: Charlie Davis
6/3/05

This letter will confirm our recent telephone conversation about this lawsuit. You have asked me to provide you with dates and times for depositions of both defendants and Dr. Luban. You have also served me with a second set of discovery requests. Discovery closes June 8, 2005.

I have faxed to you decisions in which the U.S. District Court has ruled that an inmate needs an expert to make a *prima facie* claim for inadequate medical care under the 8th Amendment, and I have told you that I plan to move for summary judgment on this issue if we do not stipulate to dismissal. We have agreed to put discovery on hold until you see if your client wants to retain a medical expert. Please let me know at your earliest convenience if you plan to retain an expert. I will, of course, want to depose him and we will need to stipulate to a new close of discovery date. If you do not plan to retain a medical expert then I would like to continue the close of discovery date to allow me to file my motion for summary judgment before either of us spends any more time on this case.

Please note also that I will be out of the office the week of May 30, 2005, and possibly the following week as well.

Sincerely,

DAVID W. MARQUEZ
ATTORNEY GENERAL

By: Marilyn J. Kampr
Marilyn J. Kampr
Assistant Attorney General

Exhibit 18
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